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OFFICE OF PETITIONS

In re Application of :
David Chown :
Application No. 10/622,294 : DECISION GRANTING PETITION
Filed: July 18, 2003 : UNDER 37 CFR 1.47(b)
For: TRANSMISSION OF SUPERVISORY :
DATA IN AN OPTICAL COMMUNICATION :
SYSTEM :

This is in response to the petition under 37 CFR 1.47(b), filed September 8, 2003.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Dr. James Lenney establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Agilent Technologies UK Limited (Agilent) has a proprietary interest in the above-identified application with the copy of the "Employment Confidentiality Agreement" and "Invention Proposal," showing that the inventor had an obligation to assign any patent rights to Agilent. The petition fee has been paid. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage.

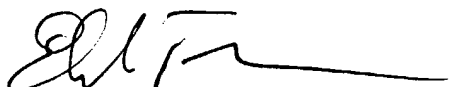
This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded to the Office of Initial Patent Examination for further processing.

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Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-9200

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office



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DAVID CHOWN
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OFFICE OF PETITIONS

In re Application of
David Chown
Application No. 10/622,294
Filed: July 18, 2003
For: TRANSMISSION OF SUPERVISORY DATA IN AN OPTICAL COMMUNICATION
SYSTEM

Dear DAVID CHOWN:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-9200. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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